

I. NON-PRIOR ART MATTERS

- A. The Office Action indicated election of species.

Applicant herein affirms the election to prosecute claims 1, 2, 4, 5 and 8-12.

- B. The Office Action rejected claims 1, 2, 4, 5 and 8-12 under 35 USC 112, second paragraph.

The claims have been amended and are now allowable.

II. PRIOR ART MATTERS

- A. The Office Action rejected claims 1, 2, 4, 5, and 8-12 under 35 USC 102(b) as being anticipated by Fuld. Applicant respectfully traverses this rejection.

A single prior art reference anticipates a claimed invention only if it discloses each and every claim element.¹

Fuld does not disclose a temperature buffering scent reservoir wherein an increase in ambient temperature associated with morning and afternoon will result in the interior volume of air expanding to force the scent to pass through the temperature buffering scent reservoir on to the wick and a decrease in ambient temperature associated with later day will result in stopping the scent from passing through the reservoir as to conserve the scent. Fuld operates by the principle of valve 64 opening when the valve stem 66 and retainer 68 strike the bottom of the pan. There is no disclosure of the scent reservoir being buffered by temperature as discussed in the Specification at page 9. In fact, Bundy could not be temperature-buffered as the valve 64 would prevent such an operation.

Claims 1, 2, 4, 5 and 8-12 are therefore allowable.

- B. The Office Action rejected claims 1, 2, 4, 5, and 8-12 under 35 USC 102(b) as being anticipated by Bundy. Applicant respectfully traverses this rejection.

Bundy does not disclose a temperature buffering scent reservoir wherein an increase in ambient temperature associated with morning and afternoon will result in the interior volume of air expanding to force the scent to pass through the temperature buffering scent reservoir on to the wick and a decrease in ambient temperature associated with later day will

¹ *Structural Rubber Prod. Co. v. Park Rubber Co.*, 749 F.2d 707, 223 USPQ 1264 (Fed. Cir. 1984)

result in stopping the scent from passing through the reservoir as to conserve the scent. Bundy operates to dispense scent by the user squeezing the container. There is no disclosure of the scent reservoir being buffered by temperature as discussed in the Specification at page 9.


- C. The Office Action rejected claims 1, 2, 4, 5, and 8-12 under 35 USC 102(b) as being anticipated by Ohayon. Applicant respectfully traverses this rejection.

Ohayon does not disclose a temperature buffering scent reservoir wherein an increase in ambient temperature associated with morning and afternoon will result in the interior volume of air expanding to force the scent to pass through the temperature buffering scent reservoir on to the wick and a decrease in ambient temperature associated with later day will result in stopping the scent from passing through the reservoir as to conserve the scent. Ohayon dispenses scent through a valve. There is no disclosure of the scent reservoir being buffered by temperature as discussed in the Specification at page 9. In fact, Ohayon could not be temperature-buffered as the valve would prevent such an operation.

For the above reasons, Applicant respectfully requests the allowance of all claims and the issuance of a Notice of Allowance.

Respectfully submitted,

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